

MINUTES  
MONDAY, JUNE 25, 2007  
BOARD OF SELECTMEN  
SELECTMEN'S MEETING ROOM  
TOWN HALL  
7:00PM

I. CALL TO ORDER

A regular meeting of the Board was called to order in open session at 7:00 PM in the Selectmen's Meeting Room at Town Hall. All members were present. Town Administrator Tom Younger and Assistant Town Administrator Jeff Conti were also present.

II. QUESTIONS FROM TOWN RESIDENTS

There were no questions. The Board congratulated Chairman Firenze on the occasion of his 40th wedding anniversary.

III. ACTION BY APPOINTMENT

40R Smart Growth Zoning Application

The Board held a public hearing on the proposal to establish a Chapter 40R Smart Growth district at the former Our Lady of Mercy parish. Planning Director Jay Szklut and Angus Jennings of Concord Square Development Company appeared before the Board.

Mr. Szklut explained that the property is currently zoned as single-family. In order to create a Chapter 40R district, Belmont must apply and be found eligible by the state, and locally must create the appropriate zoning. The Selectmen's approval is needed to submit an application to the state. The neighbors would like to see the zoning revision done at the October Town Meeting which requires that things move forward quickly. The Town's consultant, Mr. Jennings, was hired through a state grant - he and his firm helped write the original Chapter 40R legislation.

Mr. Jennings said that Chapter 40R was approved by the Legislature in 2004 to allow for overlay zoning to promote smart growth in appropriate locations. The Our Lady of Mercy property comprises 1.51 acres in 5 parcels including the church, parish hall, rectory, convent, and parking lot. The Town would be eligible for state funding for a 40R project in various forms which could total \$49,000, plus possible funding if increased school enrollments result.

Under current zoning, each of the five parcels may have one housing unit. Under smart growth zoning, an additional 13 units could be incorporated across the five parcels for a total of 18 units. The proposed zoning by-law would create 5 sub-districts with separate zoning requirements. Two of these would allow two-and three family homes, one (the church) would allow multi-family buildings. Other allowed uses would include home offices and recreation/community use. Height limits and setbacks would be the same as current zoning. At least 20-25% of the units would be designated affordable and there would be an incentive for renovation of the existing buildings. The Planning Board would be the permitting authority and would approve projects that comply with the by-law and its design standards.

The Town would have to review the water and sewer infrastructure and certify that the overall infrastructure is adequate to accommodate the proposed development. If the state approves the application and issues a letter of eligibility, then the Town can take up the 40R zoning by-law at Town Meeting.

Chairman Firenze asked for a show of hands from neighbors in attendance. Those present were unanimously in favor of the proposal.

There was a discussion of potential concerns going forward, including the possibility that the Archdiocese might choose to sell the properties separately to different developers.

The Board moved: To support the submission of an application to the state to establish a 40R zoning district.

Motion carried unanimously (3-0).

The Board moved: To adjourn the hearing.

Motion carried unanimously (3-0).

#### Petition of Keyspan Energy Delivery for Gas Main Locations

Francis O'Leary appeared for Keyspan Energy. The request is to install gas main along Belmont Street. Community Development Director Glenn Clancy has recommended approval provided Keyspan commits to restore the traffic signal loops in this location when they are finished.

The Board moved: To approve the petition subject to the conditions recommended by Mr. Clancy.

Motion carried unanimously (3-0).

#### Waverley Woods Discussion

Karl Haglund, Chairman of the Planning Board, updated the Board on progress with the affordable housing proposal for parcel 6 of the McLean land. The original plan by the developer included a 17 foot wall. That wall has subsequently been reduced to varying heights of 6 to 11 feet, and to accommodate that the Planning Board intends to reduce the setback requirement at the back of the property bordering an open space parcel.

Selectman Solomon pointed out that part of the parking in this development will be reserved for the elderly residents of the adjacent Waverly Oaks development and their families and health care workers. The development will also allow for a sidewalk that will enhance walking opportunities for Waverly Oaks residents.

The Board took a two minute recess.

#### Draft Liquor License Regulations (with recommendations)

The regulations have been drafted by the Alcoholic Beverage Licensing Committee (ABLC) with the assistance of Town Counsel.

The Board decided to delete the provision limiting the amount that may be served at a tasting, fearing that it is unenforceable.

The Board moved: To approve the regulations as amended.

Motion carried unanimously (3-0).

The Board briefly reviewed the applications that have been sent in for retail liquor licenses. Mr. Younger clarified that the applicants will go before the ABLC before coming to the Board. There was discussion of whether this is efficient and whether there is a continuing need for the ABLC.

Chairman Firenze proposed to have a joint public hearing with the Board and the ABLC to expedite the process. Mr. Younger recommended holding the hearing for the all alcohol licenses first since there are applicants who have applied for both types of licenses. This will probably require a special meeting of the Board in July. The Board proposed to hold the hearings for both types of retail liquor licenses on Monday, July 16.

#### V. ACTION BY WRITING

NEW License - Common Victualler's - Emi's Eats  
NEW License - Common Victualler's - Osaka  
Second Hand Articles License - DVIN Jewelers

The owner of Emi's Eats appeared before the Board. It will be a casual, family-friendly eatery in the location of the former Café d'Or with 16 seats and 12 seasonal outdoor seats.

The Board moved: To approve the license for Emi's Eats.

Motion carried unanimously (3-0).

The owner of Osaka Restaurant appeared before the Board. Osaka will be on Concord Avenue where the Summer Palace is currently. It will be a Chinese and sushi restaurant with 44 seats.

The Board moved: To approve the license for Osaka Restaurant.

Motion carried unanimously (3-0).

The Board moved: To approve the license for DVIN Jewelers.

Motion carried unanimously (3-0).

#### Reinsurance for Self Funding Health Insurance Plans Quotes

Human Resources Director Diane Crimmins appeared before the Board. The Town's health insurance consultant, Cook & Co., is recommending that of the three bidders, American Stop Loss be awarded the contract for reinsurance.

Chairman Firenze clarified that as of July 1, 2007 the Town will be moving to a self-insured health insurance program. Ms. Crimmins said the reinsurance policy will cover any claims that exceed \$100,000. Chairman Firenze said that American Stop Loss does not engage in "lasering" out individuals that experienced large claims in the previous year. Ms. Crimmins said the contract has to be re-bid every year so if that were to occur it could be revisited.

The Board moved: To award the contract to American Stop Loss.

Motion carried unanimously (3-0).

#### VI. EXECUTIVE SESSION

The Board moved: To enter executive session to discuss collective bargaining and subsequently to return to open session.

Motion carried unanimously (3-0). The Board entered executive session at 9:20 PM.

(During executive session, one substantive motion was made and passed unanimously.)

The Board returned to open session at 9:37 PM.

## Committee Appointments Information Process

### Alcoholic Beverage Licensing Committee:

The Board moved: To re-appoint Janice Ellard to the Alcoholic Beverage Licensing Committee.

Motion carried unanimously (3-0).

Housing Trust: There are four members seeking reappointment. Chairman Firenze wants to hold off until the Board can meet with the Housing Trust. Selectman Solomon does not feel it is fair to keep the members up in the air if that meeting cannot happen until September.

Chairman Firenze said he is not happy with the current direction of the Trust and their approach to the affordable housing issue. He would want commitments from the members as to the direction they ought to be taking - to convert existing housing stock into affordable housing rather than increasing density - before supporting re-appointment. He said the Trust's comments on the 40R proposal are an example of what he is concerned about.

Selectman Leclerc said he is inclined to support reappointment but would like a little time to review the issue. The Board agreed to put off this decision until the next meeting on July 2.

Vision 21: There are two openings and two people requesting re-appointment.

The Board moved: To re-appoint Vincent DeNovellis and Sara Oaklander to the Vision 21 Implementation Committee.

Motion carried unanimously (3-0).

The Board moved: To appoint Joe Crugnale and, subject to his continued interest, Alfred Rubin to the Vision 21 Implementation Committee.

Motion carried unanimously (3-0).

### Cable TV:

The Board moved: To re-appoint Mark Carthy to the Cable TV Advisory Committee.

Motion carried unanimously (3-0).

### Constable:

The Board moved: To re-appoint Richard Picceri and William Chemelli as constables.

Motion carried unanimously (3-0).

The Board moved: To appoint John Ehler to the position of constable.

Motion carried unanimously (3-0).

Council on Aging: There are 3 re-appointment requests.

The Board moved: To re-appoint Joel Semuels & Jacob Canter to the Council on Aging.

Motion carried unanimously (3-0).

The Board moved: To re-appoint Phyllis Solomon to the Council on Aging.

Selectman Solomon recused himself.

Motion carried unanimously (2-0).

Cultural Council:

The Board moved: To appoint Mary Keith and Victoria Campos to the Cultural Council.

Motion carried unanimously (3-0).

Disability Access Commission: There was discussion about moving current full members to alternate status. This will be put off until next Monday.

Education Scholarship:

The Board moved: To re-appoint Leslie Aitken to the Education Scholarship Committee.

Motion carried unanimously (3-0).

The Board moved: To appoint M. DeLynn Walker to the Education Scholarship Committee for a full three-year term.

Motion carried unanimously (3-0).

Historic District Commission: 5 members are seeking re-appointment. There are also two new volunteers.

There was discussion about the longevity of some of the members seeking re-appointment and the desire to limit committee members generally to three or four terms. There was discussion about issues of cooperation with Town staff. The Board decided to defer action on this committee until next week.

Human Rights Commission: There is one reappointment request and two vacancies.

The Board moved: To re-appoint Trish Lomar to the Human Rights Commission for a full three-year term.

Motion carried unanimously (3-0).

Selectman Solomon nominated Nan Donald.

The Board moved: To appoint Nan Donald to the Human Rights Commission.

Selectman Firenze said he would abstain because he does not have direct knowledge of this appointee.

Motion carried 2-0.

Youth Commission: Karen Freiberg does not wish re-appointment and Caroline Lindstrom has moved out of town. The desired size of the committee is five so there is one vacancy.

The Board moved: To appoint Ann Bere to the Youth Commission.

Motion carried unanimously (3-0).

Information Technology Advisory Committee: There are two re-appointment requests.

The Board moved: To re-appoint Charles Smart and Daniel Ellard to the Information Technology Advisory Committee.

Motion carried unanimously (3-0).

Insurance Advisory Committee:

To re-appoint June Roberts to the Insurance Advisory Committee subject to her willingness to serve.

Motion carried unanimously (3-0).

Local Emergency Planning Committee:

The Board moved: To re-appoint Edward Davison, Robert Martin, Brendan O'Leary, and Robert Taylor to the Local Emergency Planning Committee.

Motion carried unanimously (3-0). Selectman Leclerc will serve as the Board's liaison.

McLean Land Management Committee: The Board considered dissolving the Committee. Mr. Younger will speak with the Chair and report back on Monday.

Municipal Light Advisory Board:

The Board moved: To re-appoint Gretchen McClain and Patricia DiOrio to the Municipal Light Advisory Board.

Motion carried unanimously (3-0).

Permanent Audit Committee:

The Board moved: To re-appoint Henry Hall to the Permanent Audit Committee.

Motion carried unanimously (3-0).

Personnel Board:

The Board moved: To re-appoint Theodore Dukas, Mary Wybieralla, and Eloise McGaw to the Personnel Board.

Motion carried unanimously (3-0).

Planning Board:

The Board moved: To re-appoint Andy Rojas to the Planning Board.

Motion carried unanimously (3-0).

There is one additional opening and 10 volunteers. The Board agreed to hold off on further action until Monday.

Recreation Commission:

The Board moved: To re-appoint Daniel MacAuley to the Recreation Commission to fill the remainder of a one-year term.

Motion carried unanimously (3-0).

The Board moved: To re-appoint Noreen Millane to the Recreation Commission.

Motion carried unanimously (3-0).

The Board moved: To appoint Dennis Rocha to the Recreation Commission.

Motion carried unanimously (3-0).

The Board moved: To appoint Lee Slap to the Recreation Commission subject to his willingness to serve.

Motion carried unanimously (3-0).

Registrars of Voters:

The Board moved: To re-appoint Jim Staton as a Registrar of Voters.

Motion carried unanimously (3-0).

Shade Tree Committee:

The Board moved: To re-appoint Ruth Foster to the Shade Tree Committee.

Motion carried unanimously (3-0).

Traffic Advisory Committee:

The Board moved: To reappoint Andrea Masciari and Tommasina Olson to the Traffic Advisory Committee.

Motion carried unanimously (3-0).

The Board moved: To appoint Elizabeth Firenze to the Traffic Advisory Committee for a 3-year term subject to her willingness to serve.

Chairman Firenze recused himself.

Motion carried unanimously (2-0).

The Board moved: To appoint Ron Sacca for a 3-year term, and Laurence McDonald and Philip Richmond as alternate members to the Traffic Advisory Committee

Motion carried unanimously (3-0).

Tree Warden:

The Board moved: To reappoint Tom Walsh as Tree Warden.

Motion carried unanimously (3-0).

Water Advisory Board:

The Board moved: To re-appoint Richard Kobayashi to the Water Advisory Board.

Motion carried unanimously (3-0).

Zoning Board of Appeals:

The Board moved: To re-appoint Arthur Krieger and William Chin as full members and William Lovallo as an associate member of the Zoning Board of Appeals.

Motion carried unanimously (3-0).

The Board moved: To appoint Nick Ianuzzi as an associate member of the Zoning Board of Appeals.

Motion carried unanimously (3-0).

Appointments to the Disability Access Commission, Historic District Commission, Housing Trust, McLean Land Management Committee and Planning Board remain to be finalized next week.

Mr. Younger noted that the Zoning Board of Appeals may only have three associate members.

The Board moved: To rescind its appointment of Nick Ianuzzi to the Zoning Board of Appeals.

Motion carried unanimously (3-0).

Chairman Firenze will talk to Bill Lovallo to see if he still wishes to serve or if Mr. Ianuzzi could be appointed in his place.

Conservation Commission:

The Board moved: To reappoint Miriam Weil, Nancy Davis, and Martha Moore as full members, and Monica King, Darrell King, Tino Lichauco, and David Cowell as associate members of the Conservation Commission.

Motion carried 2-1. (Firenze nay.)

The Board adjourned at 11:44 PM.

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Thomas G. Younger, Town Administrator